

MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Paul Goldstein, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 17, 2012

SUBJECT: BZA Case No. 18387 - Request for special exception relief under § 223 to expand an existing row dwelling at 232 11th Street NE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the request for special exception relief pursuant to § 223 for a third-story addition above an existing two-story rear section of an existing row dwelling at 232 11th Street NE that does not comply with:

- § 403, maximum lot occupancy (excessive by approximately 45 square feet)
- § 406, minimum open court (deficient by 6.6')

OP questions whether non-compliance with § 2001.3 should also be identified to acknowledge that a dwelling with an existing non-conforming lot occupancy and court is expanding. Should the Board determine that such relief is necessary, OP is supportive of amending the identified relief.

II. AREA AND SITE DESCRIPTION

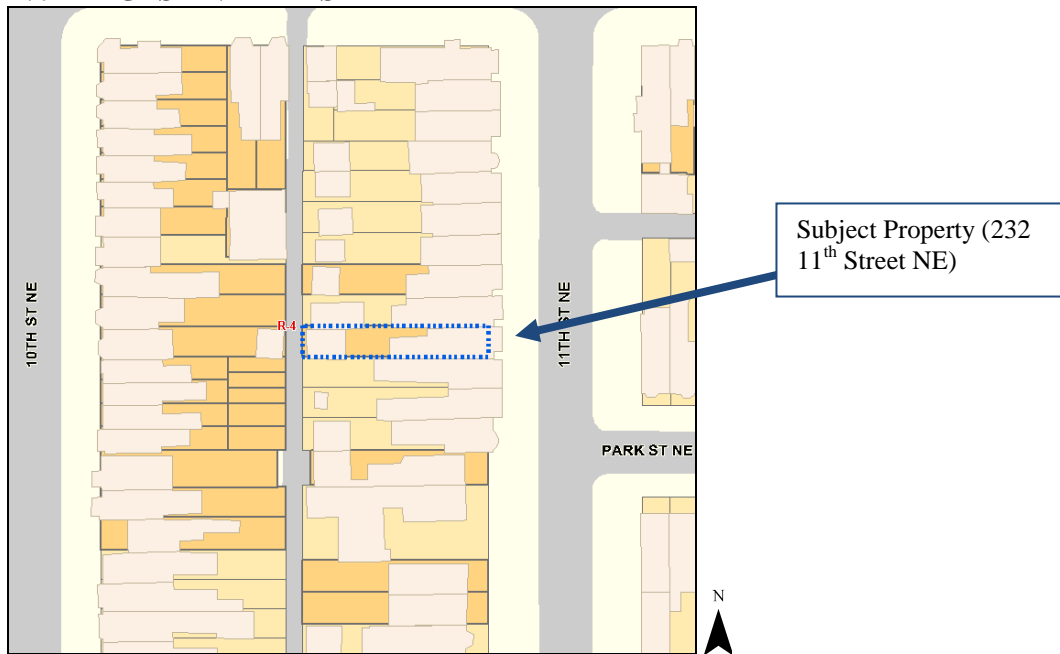
Address:	232 11 th Street NE
Legal Description:	Square 964, Lot 827 (hereinafter, the "Property")
Ward/ANC:	6/6A
Lot Characteristics:	The Property is rectangular in shape and measures approximately 18.5' in width and about 111' in depth. The site is 2,054 square feet in land area. ¹ The Property abuts a 10' wide public alley along its rear lot line.
Zoning:	R-4: Row dwellings and flats
Existing Development:	There is an existing three-story row building (a flat) and a rear detached private garage.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	The Property abuts three-story row dwellings to the north and south. Across 11 th Street to the east are row dwellings. To the west of the Property, across the public alley, are the rear yards of row dwellings.
Surrounding Neighborhood Character:	The Square, and the neighborhood more generally, is characterized by row dwellings zoned R-4.

¹ Internal OP mapping identified the Property as measuring 2,054 square feet in land area. The one square foot discrepancy as compared to the number shown in the application should have no discernible impact on the relief requested.

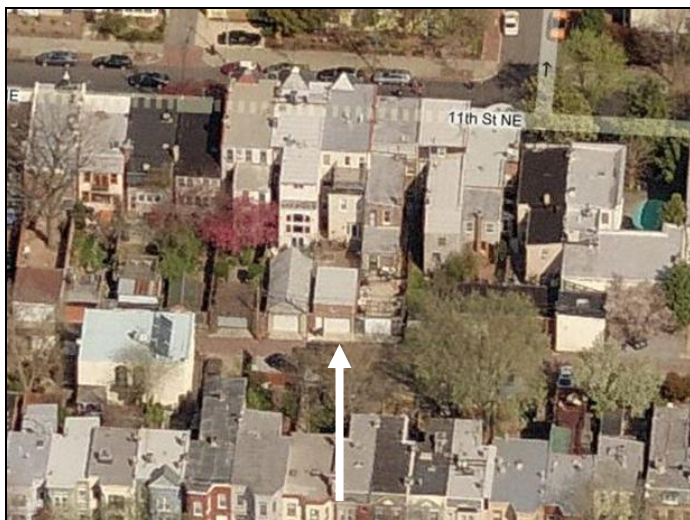
III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Beverly Pringle and Mark Moran
Proposal:	The Applicant proposes to construct a third-story addition above an existing two-story rear portion of the dwelling. The addition would replace an existing roof deck and generally would align with the height of the present dwelling. An existing non-conforming open court would be extended vertically. The existing lot occupancy of 62.2%, which is non-conforming to the R-4 zone, would remain unchanged.
Relief sought:	Special exception pursuant to § 223

IV. IMAGES AND MAPS



Aerial view of the subject site (outlined)



View of the rear of the site looking east toward 11th Street. Subject site is identified. Source: Bing Maps.

V. OP ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Flats are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403 and 406.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The addition would add a third-story above an existing two-story rear portion of the dwelling. The addition would be in line with the existing dwelling height. The addition also does not appear to extend beyond the existing two-story portions of adjacent row dwellings. OP has viewed copies of letters showing abutting neighbor support for the proposal. Neighbors to the west of the Property, across a public alley, should not be impacted by the addition. Light and air available to neighboring properties should not be unduly affected.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The addition would not include any windows on the addition's south side and only a single window on the north side, which is 4.5' set back from the property line. The neighboring dwelling to the north does not appear to have any windows along the common lot line. OP does not anticipate that the privacy of use and enjoyment of neighboring properties would be unduly compromised.

(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

The proposed addition, as viewed from the street, would be consistent with the existing architectural style of the dwelling and would not substantially visually intrude upon the character, scale and pattern of houses along the street frontage.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant submitted plans, photographs, and elevation drawings to represent the relationship of the proposed addition to adjacent buildings and from public ways.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The existing and proposed lot occupancy measures 62.2%, which is permitted by special exception in the subject R-4 zone.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP makes no recommendations for special treatment.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

Granting this request would not result in the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS/ANC

The Applicant indicates that ANC 6A's Economic Development and Zoning Committee supported the project at a June 20, 2012 meeting, and that a review of the project by the full ANC was scheduled for July 12, 2012. The Applicant has provided OP with letters of support from adjacent neighbors to the north (234 11th Street NE) and south (230 11th Street NE).